

R Kent
3/10/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PETITION UNDER 37 CFR §1.181 FOR WITHDRAWAL OF THE
FINALITY OF THE OFFICE ACTION AS PREMATURE

RECEIVED
CENTRAL FAX CENTER

MAR 03 2004

APPLICANT: Petkovsek

EXAMINER: Henderson

ATTY. DOCKET NO.: USA-P-99-011

SERIAL NO.: 09/487,696

FILING DATE: Jan. 19, 2000

GROUP ART UNIT: 3732

INVENTION: "SPECIAL SERVICE MAILING ASSEMBLY WITH LABEL,
TRACKING AREA AND RECEIPT AND A METHOD FOR PREPARING
A MAILPIECE FOR DELIVERY"

OFFICIAL

#21/
Reg.
Recond
(NE)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

This Petition is submitted in response to the Office Action dated December 30, 2003. In an Office Action dated August 29, 2003, the Patent Office indicated that dependent Claim 8 contains allowable subject matter and was allowed. In response to that Office Action, Applicant added independent Claim 22 incorporating dependent Claim 8 with Claim 1 as indicated to be allowable by the Patent Office.

In the Final Rejection dated December 30, 2003, the Patent Office rejected Claim 22. As a result, the Patent Office has made the first rejection of Claim 22 a Final Rejection after stating the claim would be allowable. Therefore, Applicant submits this Petition for the Withdrawal of the Finality of the Office Action as premature.

During a telephone conversation with the U.S. Patent Office on

Duplicate accepted
Mail date = 2/2/04

January 27, 2004, Patent Examiner Mark Henderson stated that Claim 8 was allowed in error and should have been rejected with Claims 1-7. Pursuant to a request from Examiner Henderson, Applicant submits this Petition Under 37 CFR §1.181 for Withdrawal of the Finality of the Office Action as Premature.

Enclosed is a check in the amount of \$130.00 for this Petition. If any additional fees are due or owing, Applicant authorizes the Patent Office to charge or credit Deposit Account No. 50-0595. *A duplicate copy of this Petition is enclosed for this purpose.*

Additionally, Applicant requests a refund of the \$130.00 fee for this Petition. More specifically, Applicant respectfully submits that this Petition is being submitted as a result of an error by the Patent Office and, therefore, Applicant is entitled to a refund of the fee.

If any issues remain, Applicant urges the Patent Office to telephone Applicant's attorney so that the same may be resolved and the application expedited to issue.

Respectfully submitted,

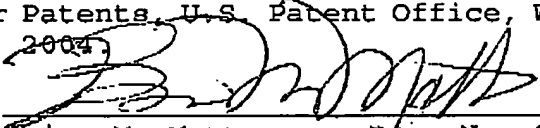


(Reg. No. 35,018)

Brian M. Mattson
ATTORNEY FOR APPLICANT
Patents+TMS
A Professional Corporation
1914 N. Milwaukee
Chicago, IL 60647
(773) 772-6009
(773) 772-3210 FAX

CERTIFICATE OF MAILING

I hereby certify that this Petition for the Withdrawal of the Finality of the Office Action and check in the amount of \$130.00 are being deposited as First Class Mail in an envelope addressed to the Asst. Commissioner for Patents, U.S. Patent Office, Washington, D.C. 20231 on January 29, 2004.



Brian M. Mattson

Reg. No. 35,018

T
In Stop PETITION
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

ON BEHALF OF APPLICANT:

PETKOVSEK

U.S. Serial No.: 06/487,696

ATTY DOCKET NO.: USA-99-011



ENCLOSED:

1. Petition for the Withdrawal of the ~~Amendment~~ of the Office Action
2. Check for 130.00

MAILED ON: January 29, 2004
Via First Class U.S. Mail